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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JUAN MARTINEZ, JOSE PIMENTAL, CARLOS
CONTRERAS, EFRAIN REYES and JOWANY
CASTILLO,

Plaintiffs,

- against -

FELIKS & SON STORAGE TANK CORP., FELIKS &
SON SERVICES, LLC AND FELIKS SWIERZEWSKI,

Defendants.

Case No. 21-CV-3613
(GRB)(JMW)

**DECLARATION OF STEVEN J. MOSER IN SUPPORT OF REQUEST TO ISSUE
CERTIFICATE OF DEFAULT AS TO DEFENDANTS FELIKS & SON STORAGE
TANK CORP. AND FELIKS & SON SERVICES, LLC**

Steven John Moser declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am the attorney for the Plaintiffs in this action.
2. I submit this declaration in support of Plaintiffs' Request for Issuance of a Certificate of Default against Defendants FELIKS & SON STORAGE TANK CORP. and FELIKS & SON SERVICES, LLC
3. This action was commenced to remedy violations of the Fair Labor Standards Act 29 U.S.C. §201 et seq., and the New York Labor Law Article 19, §§ 650 et seq. A Complaint was filed on June 28, 2021. *See* ECF Docket Entry No. 1.

FELIKS & SON STORAGE TANK CORP.

4. A proposed Certificate of Default against FELIKS & SON STORAGE TANK CORP. is annexed hereto as Exhibit 1.

5. A summons was issued as to Defendant FELIKS & SON STORAGE TANK CORP. on July 1, 2021. *See* ECF Docket No. 5.

6. On August 2, 2021, the service of the Summons and Complaint on Defendant FELIKS & SON STORAGE TANK CORP. was completed.

7. Proof of service of the Summons and Complaint on Defendant FELIKS & SON STORAGE TANK CORP. was filed with the Court on September 3, 2021. *See* ECF Docket No. 7.

8. The time for Defendant FELIKS & SON STORAGE TANK CORP. to answer or otherwise move with respect to the complaint herein has expired.

9. The time for Defendant FELIKS & SON STORAGE TANK CORP. to answer or otherwise move with respect to the complaint has not been extended.

FELIKS & SON SERVICES, LLC

10. A proposed Certificate of Default against FELIKS & SON SERVICES, LLC is annexed hereto as Exhibit 2.

11. A summons was issued as to Defendant FELIKS & SON SERVICES, LLC on July 1, 2021. *See* ECF Docket No. 5.

12. On September 10, 2021, the service of the Summons and Complaint on Defendant FELIKS & SON SERVICES, LLC was completed.

13. Proof of service of the Summons and Complaint on FELIKS & SON SERVICES, LLC was filed with the Court on September 15, 2021. *See* ECF Docket No. 8.

14. The time for Defendant FELIKS & SON SERVICES, LLC to answer or otherwise move with respect to the complaint herein has expired.

15. The time for Defendant FELIKS & SON SERVICES, LLC to answer or otherwise move with respect to the complaint herein has not been extended.

CERTIFICATE OF SERVICE

16. I hereby certify that on January 11, 2021, I delivered via first class mail, courtesy of the United States Postal Service, a copy of this Declaration, and all of the Exhibits annexed thereto upon the Defendants at the following addresses:


FELIKS & SON STORAGE TANK CORP.
191 Tulip Avenue
New Hyde Park, NY 11001

FELIKS & SON SERVICES, LLC
191 Tulip Avenue
New Hyde Park, NY 11001

FELIKS SWIERZEWSKI
191 Tulip Avenue
New Hyde Park, NY 11001

WHEREFORE, Plaintiffs request that the default of Defendants FELIKS & SON STORAGE TANK CORP. and FELIKS & SON SERVICES, LLC, be noted and that a Certificate of Default be issued with regard to said Defendants.

Dated: Huntington, New York
January 11, 2022



Steven John Moser, Esq. (SM1133)